

PLANNING COMMITTEE REPORT

6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas	
APPLICANT:	Mr D Matthews and Mr M Bunney	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Jeffries Councillor Cox	Teignmouth West (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00779/FUL&MN	





19/00779/FUL 25 & 27 Mill Lane, Teignmouth, TQ14 9AZ



© Crown copyright and database rights 2019 Ordnance Survey 100024292.
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

Councillor Cox has requested that this application be referred to Planning Committee if the Case Officer recommendation is one of refusal. The reason given for this request is that it is considered that other properties in the same area have been granted permission for similar changes.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed dormers to the front of 25 and 27 Mill Lane would result in unsympathetic additions to the dwellings which would have a negative impact on the character and appearance of the street scene and appear as incongruous additions to the properties which fail to respect the character of the dwellings. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework; and,
2. The proposed dormers to the rear of 25 and 27 Mill Lane are of a bulky design which do not sit comfortably within the roof slope and they represent an obtrusive development which would appear as an incongruous addition to the properties which fails to integrate well with the existing dwellings. Furthermore, given the proximity of the proposed clear glazed windows in the dormers to 4 Kingsdown Road to the rear of the site, the proposal would result in an unacceptable level of overlooking and loss of privacy to the occupiers of this property to the detriment of their residential amenity. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

3. DESCRIPTION

Site Description and Proposal

- 3.1 The application relates to an unlisted Victorian semi-detached pair of properties on Mill Lane within the settlement limit of Teignmouth.
- 3.2 The application is a joint application with front and rear dormers proposed for both 25 and 27 Mill Lane, a three storey side extension proposed for 27 Mill Lane only and new parking areas proposed to the front of the properties.

Principle of the development/sustainability

- 3.3 The site is located within the settlement limit of Teignmouth where Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013-2033 would support development within the settlement limit where it is consistent with the provisions and policies of the Local Plan.

3.4 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 would also support in principle domestic extensions to these existing dwellings provided that the design and materials are complementary to the existing building, the scale is appropriate to the existing building and would not result in the overdevelopment of the site and that the proposal would not adversely impact on the amenity of the occupiers of neighbouring properties. In this case it is not considered that the development accords with this policy as set out in the sub-headings below.

3.5 Development must also perform well against Policy S1A (Presumption in Favour of Sustainable Development) which advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case, it is considered that the adverse impacts of granting permission outweigh the benefits of the development for the reasons set out in the sub-headings below:

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

3.6 The site is not in a Conservation Area and there are no listed buildings in the vicinity of the site that would be harmed by the development.

Design and impact upon the character and visual amenity of the area

3.7 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 advises that, subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against the following criteria, taking account of the social, economic and environmental benefits of the proposal, its scale and magnitude of impact, the status of any legally protected features affected and any associated mitigation:

g) maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets.

3.8 It is considered that the development is in conflict with this Policy as the provision of the proposed front and rear dormers would fail to enhance the character, appearance and historic interest of this semi-detached pair or the street scene. No objection is given to the proposed side extension or parking areas which are considered to be compatible with the property and would not undermine the character of the street scene given that there are a number of parking areas that have been created to the front of properties on Mill Lane.

Were these proposals to come forward in isolation it would be recommended that if minded to approve a condition be applied for material samples for the side extension to be agreed prior to first use to ensure that the finish of the extension is compatible with 27 Mill Lane.

3.9 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 advises that new development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider

context and the surrounding area, creating a place with a distinctive character and taking account of the following objectives:

- a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment, particularly affected heritage assets;
- c) create clearly distinguishable, well defined and designed public and private spaces which are attractive, accessible and safe and provide a stimulating environment;
- g) the buildings exhibit design quality using materials appropriate to the area, locally sourced if feasible;
- k) respect the distinctive character of the local landscape and seascape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines.

3.10 It is considered that the development is in conflict with this Policy as it would fail to enhance the area by reason of the design and appearance of the rear dormers to the two properties which would result in a development that would appear overly bulky and obtrusive on the roof slope of these properties by virtue of the dormers being designed in a manner which does not sit comfortably within the roof slope. Whilst it is recognised that there are other box dormers in the area on the rear of properties, I can find no record of any planning consent having been granted for this and would therefore have to assume that they fall within permitted development allowances for which planning permission would not be required and which would be outside the control of the Local Planning Authority or alternatively have been erected without the benefit of planning consent and therefore should not be considered as a material planning consideration in the determination of this application. The rear dormer is concluded by virtue of its design to result in an incongruous addition to the property which fails to represent quality development and fails to integrate well or enhance the character of the semi-detached pair.

3.11 Furthermore, equally the dormers proposed to the front of the property fail to enhance the area by reason of their design which again result in a development which fails to integrate with the existing dwellings and fails to respect the historic character of the semi-detached pair. As a result the proposed dormers to the front of the properties would have a negative impact on the character and appearance of the street scene contrary to Policy S2 of the Teignbridge Local Plan 2013-2033.

3.12 No objection is raised to the proposed side extension to 27 Mill Lane on visual amenity grounds subject to the recommended condition if minded to approve for the materials to be used on the external surfaces to be agreed prior to first use on the extension to ensure that they integrate well with the host property.

3.13 In addition, no objection is raised on visual amenity grounds to the proposed parking areas to the front of the properties as, whilst this would alter the character of the front of the properties, there are other examples of similar parking areas with the benefit of planning consent, on Mill Lane and as the proposal would be read against these existing parking areas it is not considered that it would have an adverse impact on the character and appearance of the street scene.

Impact on residential amenity of the occupiers of surrounding properties

3.14 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 advises that:

To ensure that existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:

- a) the design and materials are complementary to the existing building;
- b) in Conservation Areas the design and materials are also complementary to the character of the area;
- c) the scale is appropriate to the existing building and would not:
 - i. overdevelop the site or result in the provision of insufficient amenity space
 - ii. result in the undue loss of outlook or light to habitable rooms of neighbouring properties
 - iii. reduce the level of privacy enjoyed by occupiers of neighbouring properties
 - iv. have a dominant or overbearing impact on neighbouring properties or the street scene.

3.15 It is considered that the proposed rear dormers to the properties are in conflict with this Policy as the proposed clear glazed windows to the dormers would result in an unacceptable level of overlooking/loss of privacy to the occupiers of 4 Kingsdown Road to the rear of the application properties.

3.16 Whilst the applicant's agent has suggested that they could fit the dormer windows with obscure glazing this is not considered a suitable resolution to the overlooking concern in this case, as the dormers include bedrooms and this would create a poor quality residential environment for the occupiers of the bedroom.

3.17 No objection is raised on residential amenity grounds to the proposed side extension, parking areas or front dormers.

Impact on ecology/biodiversity

3.18 An ecological survey has been submitted with this application. This concluded that the properties are not considered to support bat roosts and that the proposed works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of local bat populations. No signs of use by bats were identified at the properties.

3.19 In addition, no former bird nest sites were identified in association with the properties.

3.20 The report however does recommend the provision of ecological enhancement measures to provide biodiversity gain in the form of 1 no. inbuilt bat roost unit per dwelling; 1 no. bird nesting provision per dwelling and one 1 no. bee brick per dwelling. It is recommended that these ecological enhancement measures be secured by condition if Members are minded to approve.

Flood risk

3.21 The site is not in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms the site is a suitable site for residential development.

Highway safety

- 3.22 The proposed parking areas are not assessed to raise highway safety concerns.

Conclusion

- 3.23 No objection is raised to the proposed side extension and parking areas and these would gain Officer support. Support is not provided for the proposed rear and front extensions.
- 3.24 This has been discussed with the applicant's agent and they have been given the option to omit the dormers for Officers to be able to issue a positive determination on the application: however they have decided not to pursue this option and therefore as a split decision cannot be issued for planning applications, for the reasons given above the Officer recommendation is one of refusal.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

None received

7. TOWN COUNCIL'S COMMENTS

No objections

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 102.3 square metres. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0. The CIL liability for this development is £17,069.22. This is based on 102.3 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Business Manager – Strategic Place